

Below is the request sent last year to Scotland Yard by The Times's reporters.

Gill Brown

Information Office

The Metropolitan Police Service

Cc: John Yates, Sarah Chessley and Dick Fedorcio

Dear Mr. Brown:

Pursuant to the Freedom of Information Act, we are writing to request a number of documents and information related to the Glenn Mulcaire/Clive Goodman criminal inquiry that was closed by the Met shortly after both men were sentenced on January 26, 2007:

1. All reports and/or summaries filed in this matter by the Metropolitan Police to the attorney general, the Crown Prosecution Service and/or the House of Commons Culture, Media and Sport Committee, including but not limited to reports/summaries dated May 30, June 30 and July 14 of 2006 and February 18 2010;
2. The minutes of any and all internal meetings, including but not limited to the Management Board sessions, attended by (but not limited to) Dick Fedorcio, Andy Hayman, Peter Clarke, Philip Williams and John Yates in which the Mulcaire/Goodman matter was discussed, at any time during the criminal investigation or following its closure;
3. The number of individuals identified during the Metropolitan Police's technical portion of its inquiry into the alleged phone-hacking of the Royal Household (specifically the number of people identified during the police's inquiry that occurred from January 2006 through August 2006; to be clear, we are not asking for individuals' names but rather the number of full names identified and the number of partial names identified);
4. The number of mobile phone numbers identified during the Metropolitan Police's technical portion of its inquiry into the alleged phone-hacking of the Royal Household (specifically all numbers identified during the police's inquiry that occurred from January 2006 through August 2006; to be clear, we are asking for a delineation between the number of full mobile numbers and the number of partial numbers identified);

5. The number of individuals whose PIN codes needed for access to mobile phone voicemail, was accessed, as identified during the Metropolitan Police's technical portion of the inquiry into the alleged phone-hacking of the Royal Household (specifically all PIN codes identified during the police's inquiry that occurred from January 2006 through August 2006);
6. Any email, memo or phone messages from any current or former members of News Corp., News International, News of the World, The Sun, The Times or The Sunday Times, including any of its reporters, editors or executives, about the Mulcaire/Goodman inquiry or the phone-hacking investigation in general to any current or former member of the Metropolitan Police. In addition, any emails, memos or phone messages referencing any such inquiry from the above listed individuals and entities;
7. Any emails, phone messages or other documents, electronic or otherwise, from current or former employees of the Metropolitan Police to any current or former employee or current or former lawyer representing News Corp., News International, News of the World, The Sun, The Times or The Sunday Times, including any of its reporters, editors or executives (either current or former), about the Mulcaire/Goodman inquiry or the phone-hacking investigation in general. In addition, any emails, memos or phone messages referencing any such inquiry from the above listed individuals and entities;
8. A copy of the document listing names and mobile phone numbers collected from the raids of Mr. Mulcaire's home and business and Mr. Goodman's office that was given to Mr. Hayman sometime between August 2006 and January 2007. (If you regard the names themselves as exempt, please redact the names but still provide the document itself.);
9. Any and all documents, electronic or otherwise, that in any way relate to then Detective Sergeant Mark Maberly's reported assertion that "they had found there were something like 6,000 people who were involved" and "You are not having everything, but we will give you enough on Taylor to hang them." (This assertion was part of the evidence given by Mark Lewis to the House of Commons Culture, Media and Sport Committee.);
10. Any and all documents, electronic or otherwise, from or to general counsel Emma Harroway relating to the Maberly matter, Mark Lewis or Baroness Buscomb;
11. Any and all documents (emails, phone messages, memos, etc.), electronic or otherwise, that in any way relate to communications between Rebekah Wade, currently the chief executive at News International, and Dick Fedorcio, Andy Baker and/or John Stevens, in the time frame of 2002 to 2004, related to a news editor at the News of the World named Alex Marunchak.

We once again stress that the documents that we are requesting all relate to a **CLOSED** investigation. If you regard any portion of the documents that we have requested as exempt, please redact the exempted portion but release the rest – i.e., release all reasonably segregable portions of otherwise exempted material. Again, we note your personal information exemption but we do not believe that the mere presence of a person's name in a document constitutes reason to withhold the entire document.

When that does occur, we respectfully submit that you must redact the document and release the rest.

We are making this request on behalf of The New York Times. Department of Constitutional Affairs on the Freedom of Information Act provides “most requests are free.” If you determine that it will cost you more than £450 to find any or all of this information and prepare it for release, please make us aware of the additional cost.

This information is time-sensitive and in the public interest. We also respectfully request that you make available documents pursuant to this request as they become available, rather than waiting until all the documents have been compiled. In any event, we request that you comply with the law and make all documents by the end of 20 business days beginning today. In addition, we request immediate release of any documents covered or not covered by this request relating to the aforementioned phone-hacking inquiry that has already been released – or will be released in the coming days and weeks -- to any newspaper or media outlet.

If you have any questions about this request, please do not hesitate to contact either one of us at the London bureau at [REDACTED] or by email at [REDACTED] and [REDACTED], rather than by the post.

Below is the response from Scotland Yard to the request sent by The Times's reporters.



**METROPOLITAN
POLICE**

Working together for a safer London

SPECIALIST OPERATIONS

SO15 - Counter Terrorism Command

Mr. Van Natta
Investigative Correspondent
London Bureau
The New York Times



16 June 2010

[Redacted]
New Scotland Yard
[Redacted]
London
[Redacted]



www.met.police.uk

Your ref:
Our ref: 2010040002851

Dear Mr. Van Natta,

Freedom of Information Request Reference No: 2010040002851

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 14/04/2010. Sincere apologies for the delay in getting this reply to you, however, I note that you seek access to the following information:

1. All reports and/or summaries filed in this matter by the Metropolitan Police to the attorney general, the Crown Prosecution Service and/or the House of Commons Culture, Media and Sport Committee, including but not limited to reports/summaries dated May 30, June 30 and July 14 of 2006 and February 18 2010;
2. The minutes of any and all internal meetings, including but not limited to the Management Board sessions, attended by (but not limited to) Dick Fedorcio, Andy Hayman, Peter Clarke, Philip Williams and John Yates in which the Mulcaire/Goodman matter was discussed, at any time during the criminal investigation or following its closure;
3. The number of individuals identified during the Metropolitan Police's technical portion of its inquiry into the alleged phone-hacking of the Royal Household (specifically the number of people identified during the police's inquiry that occurred from January 2006 through August 2006; to be clear, we are not asking for individuals' names but rather the number of full names identified and the number of partial names identified);
4. The number of mobile phone numbers identified during the Metropolitan Police's technical portion of its inquiry into the alleged phone-hacking of the Royal Household (specifically all numbers identified during the police's inquiry that occurred from January 2006 through August 2006; to be clear, we are asking for

a delineation between the number of full mobile numbers and the number of partial numbers identified);

5. The number of individuals whose PIN codes needed for access to mobile phone voicemail, was accessed, as identified during the Metropolitan Police's technical portion of the inquiry into the alleged phone-hacking of the Royal Household (specifically all PIN codes identified during the police's inquiry that occurred from January 2006 through August 2006);
6. Any email, memo or phone messages from any current or former members of News Corp., News International, News of the World, The Sun, The Times or The Sunday Times, including any of its reporters, editors or executives, about the Mulcaire/Goodman inquiry or the phone-hacking investigation in general to any current or former member of the Metropolitan Police. In addition, any emails, memos or phone messages referencing any such inquiry from the above listed individuals and entities;
7. Any emails, phone messages or other documents, electronic or otherwise, from current or former employees of the Metropolitan Police to any current or former employee or current or former lawyer representing News Corp., News International, News of the World, The Sun, The Times or The Sunday Times, including any of its reporters, editors or executives (either current or former), about the Mulcaire/Goodman inquiry or the phone-hacking investigation in general. In addition, any emails, memos or phone messages referencing any such inquiry from the above listed individuals and entities;
8. A copy of the document listing names and mobile phone numbers collected from the raids of Mr. Mulcaire's home and business and Mr. Goodman's office that was given to Mr. Hayman sometime between August 2006 and January 2007. (If you regard the names themselves as exempt, please redact the names but still provide the document itself.);
9. Any and all documents, electronic or otherwise, that in any way relate to then Detective Sergeant Mark Maberly's reported assertion that "they had found there were something like 6,000 people who were involved" and "You are not having everything, but we will give you enough on Taylor to hang them." (This assertion was part of the evidence given by Mark Lewis to the House of Commons Culture, Media and Sport Committee.);
10. Any and all documents, electronic or otherwise, from or to general counsel Emma Harroway relating to the Maberly matter, Mark Lewis or Baroness Buscomb;
11. Any and all documents (emails, phone messages, memos, etc.), electronic or otherwise, that in any way relate to communications between Rebekah Wade, currently the chief executive at News International, and Dick Fedorcio, Andy Baker and/or John Stevens, in the time frame of 2002 to 2004, related to a news editor at the News of the World named Alex Marunchak.

1. DECISION

This letter is to inform you that it will not be possible to respond to your request within the cost threshold.

2. COSTS estimation

2.1 I hope the following explanation will clarify why it will not be possible to respond to your request within the cost threshold.

Initial research has been carried out to determine if the MPS hold the information you have requested. This has included trying to identify all possible locations / systems which may hold information pertinent to your requests, which includes both electronic and manual unstructured files.

2.2 The information Commissioner has issued recent guidelines on using the Fees regulations dated 26 June 2009, stating '*Section 12 makes it clear that a public authority does not have to make a precise calculation of the costs of complying with a request. Only an estimate is required ... what amounts to a reasonable estimate can only be considered on a case by case basis.*' The Information Commissioner also advises '*where a reasonable estimate has been made that the appropriate limit would be exceeded, there is no requirement for a public authority to undertake work up to the limit.*

2.3 We estimate that the cost of complying with this request would far exceed the appropriate limit. The appropriate limit has been specified in regulations and for agencies outside central Government; this is currently set at £450.00. This represents the estimated cost of one person spending 18 hours [at a rate of £25 per hour] in determining whether the MPS holds the information, and locating, retrieving and extracting the information.

3. FEES REGULATIONS

3.1 The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, prescribe the 'appropriate limit' as being £450 for public authorities which are not part of central government, with staff costs calculated at a rate of £25 per hour. In order to avoid exceeding the fees limit the MPS would need to be able to determine whether it holds the information and if necessary complete the location, retrieval and extraction of the requested information within 18 hours of staff time.

3.2 The **Information Commissioner's Office** has published guidance notes (22 August 2008) '*In the context of FOIA, extraction is the process by which information included in the request is separated from other information contained in the same document. What can be included when estimating the costs of compliance?*

A public authority may take account only of the costs it reasonably expects to incur in relation to the request in:

- *determining whether it holds the information;*
- *locating the information, or a document which may contain the information;*
- *retrieving the information, or a document which may contain the information; and*
- *extracting the information from a document containing it.*

If the task can clearly be identified as extracting information falling within the scope of the request the time that is likely to be taken can be included in the estimate of costs.'

3.3 Regrettably, this letter is therefore to inform you that it will not be possible to respond to your request within the cost threshold.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

Section 17(5) of the Act provides:

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

Section 12 of the Act provides:

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

4. ADDITIONAL ADVICE AND ASSISTANCE

However, under **Section 16 (duty to assist)** we are required to provide advice and assistance in order to help you submit a new request so that it might fall within the cost limit. Given the substantial amount of work involved determining whether the information requested is held or not, it is difficult to provide you with ways in which to submit a request on this topic which might be responded to within the cost limit. But should you wish the MPS to conduct searches in specific areas of interest please do get back to us. However, I can provide you with the answers to questions 3,4 & 5 which are reproduced below. I hope this will be of use to you.

5. IN CONCLUSION

Whilst I appreciate this may not be the response you would have liked, I hope the explanation I have provided has explained why the MPS is unable to comply with your request within the 18 hours fees limit as set out by the Fees Regulations mentioned above.

Response to Question 3, 4 and 5

This is already a matter of public record, but to help you the following is what the MPS has already made publicly available: -

Q.3. In arriving at a figure for the total number of names or partial names no attempt has been made to analyse those different names in order to try to establish how many individuals are represented by those names, nor has any attempt been made to distinguish between those named who are friends, family, acquaintances or contacts of Mulcaire or Goodman, targets of their work or potential victims of their illegal activity. Based on these provisos the total number is 4332. This figure is simply the total number of entries recorded on the MPS system as a consequence of all the material seized during our searches. It must be emphasized that this number is a wholly inaccurate number in terms of any attempt to establish the number of individuals who may have been of interest to Mulcaire and Goodman in any context as it includes every full name, partial name, initial(s) and multiple combinations thereof together with possible misspellings and duplications. Hence, multiple entries on the MPS system could and probably do relate to a single individual. The names could have been held for any purposes legitimate or otherwise.

Q.4. The total number of mobile phone numbers (or partial mobile phone numbers) which are recorded on the database the number is 2978. This figure is simply the total number of entries recorded on the MPS system as a consequence of all the material seized during our searches, which we believe may be a mobile number. It includes partial and whole numbers, which may or may not be accurate and no attempt has been

made to distinguish between those numbers of friends, family, acquaintances or contacts of Mulcaire or Goodman, targets of their work or potential victims of their illegal activity. It must be emphasized that this figure therefore provides a wholly inaccurate picture as to the numbers that may have been subject to interception.

Q.5. The number of individuals in relation to whom PIN codes, needed for access to mobile phone voicemail, are recorded the answer is that from the material seized there appear to be 91 individuals. It cannot be stated with any certainty how many of these were the correct mobile phone and/or pin code number.

COMPLAINT RIGHTS

If you are dissatisfied with this response please read the attached paper entitled Complaint Rights which explains how to make a complaint.

Should you have any further enquiries concerning this matter, please contact me on [REDACTED] or at the address at the top of this letter, quoting the reference number above.

Yours sincerely

Gill Brown

Information Manager